

IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL

CRIMINAL APPEAL No.1440 of 2001
(Old No.601 of 1996)

Virendra Kumar Tyagi S/o Sri Ramesh Chandra Tyagi,
R/o Vill.Kakra, P.S. Murad Nagar, Distt. Ghaziabad

... Appellant

Versus

The State

... Respondent

Dated: 18th August 2007

HON. DHARAM VEER, J.

This appeal preferred, u/s 374(2) of The Code of Criminal Procedure, 1973, is directed against the judgment and order dated 11.03.1996 passed by First Additional Sessions Judge, Dehradun, State Vs. Virendra Kumar Tyagi, whereby the appellant was convicted u/s 306 of The Indian Penal Code, 1860 and was awarded sentenced for five years R.I.

One 16.7.2004, the notice was issued to the appellant but the appellant could not be served. Thereafter on 29.6.2007, again the notice was issued against the appellant and in compliance, In-charge District Judge, Ghaziabad vide his report dated 28.7.2007 has informed that appellant Virendra Kumar Tyagi has died. Along with the report, report of *Pradhan, Gram Panchayat, Kakra*, Distt. Ghaziabad has also been annexed, a perusal of which shows that the appellant had died six years back.

In view of the fact that the sole appellant Virendra Kumar Tyagi had died, the appeal preferred by the appellant stands abated.

(Dharam Veer, J.)